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CITY OF ALAMEDA ORDINANCE No. \_\_\_\_\_

**AMENDING SECTIONS 6-27.4, 6-52.1, AND 22-8.1 OF THE ALAMEDA MUNICIPAL CODE TO ALLOW SALE OF GOODS FROM A ROLLING STORE WITH APPROVAL OF A SPECIAL EVENT PERMIT, CONDITIONAL USE PERMIT, OR ENCROACHMENT PERMIT.**

**WHEREAS, Cities around the country including Portland, Oregon, Austin, Texas, and San Francisco, California have successfully used attractive and eclectic food trucks and carts to provide interim uses for vacant parcels and to attract people to underutilized commercial neighborhoods; and**

**WHEREAS, the City of Portland's experience has demonstrated that food trucks can attract pedestrian traffic with a non-traditional, communal eating experience where customers may intermingle and interact with chefs directly; and**

**WHEREAS, food trucks may help create amenities for underserved commercial areas, such as Alameda Point and Harbor Bay Business Park.**

**WHEREAS, having a food truck program in Alameda has the potential of revitalizing vacant properties and blighted areas by attracting patrons; and**

**WHEREAS, a new generation of entrepreneurs is using food trucks and new social and mobile media marketing tools as an inexpensive way to start restaurants; and**

**WHEREAS, food trucks allow up-and-coming chefs to enter the marketplace with multiple points of access and a broad range of innovative menus; and**

**WHEREAS, the thriving food truck business sector is part of a larger, long-term trend in providing high quality, convenient dining; and**

**WHEREAS, there are certain barriers in Alameda's Municipal Code that need to be removed to encourage food trucks in appropriate locations and to be consistent with the City's existing practices.**

**BE IT ORDAINED** by the City Council of the City of Alameda:

Section 1. SECTION 6-27.4 of the Alameda Municipal Code is hereby amended to read as follows:

6-27.4 – Fixed Place of Business Required.

It shall be unlawful to peddle by hand or from a vehicle, or sell from other than a fixed place of business, any meat, meat food products, seafood or dressed poultry except that such activities may be allowed from a rolling store with approval of a Conditional Use Permit at the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, and the Marina Village and Harbor Bay Business Parks; or with the approval of a Special Event Permit or Encroachment Permit.

SECTION 6-52.1 of the Alameda Municipal Code is hereby amended to read as follows:

Section 2. Section 6-52.1 – Sale or Display of Merchandise on Streets or Sidewalks Prohibited.

It shall be unlawful for any person, firm, company or association to use any portion of any of the public streets or sidewalks in the City for selling or dispensing any kind of goods, wares or merchandise, and it shall be unlawful to use the public streets for any purpose other than the passage or repassage of people or vehicles, except the peddling of fresh fruit and vegetables mentioned in subsection 22-8.2, providing the peddlers thereof keep moving from place to place and do not confine their peddling to one (1) particular locality. The use or occupation of the public streets or sidewalks for exhibiting or displaying vehicles or other property for rent or sale, or for assembling, constructing or repairing vehicles or other property, shall constitute a violation of this section; provided any person may make emergency repairs to a vehicle on the streets in case of accident or a breakdown to such a vehicle while traveling thereon. Nothing herein shall be deemed to prohibit the City from allowing, through approval of a conditional use permit or encroachment permit, the temporary closing of a portion of any street or sidewalk during building construction, or allowing prevent the Chief of Police from granting the temporary permission to storekeepers to use a portion of the sidewalk in front of their premises for the exhibition or sale of goods, wares, or other classes of merchandise Christmas trees or toys during the holiday season, or prevent the City from granting an encroachment permit, special event permit, or conditional use permit for the temporary sale of food from a rolling store.

A license to do peddling in the City shall not entitle the holder therefore to occupy any particular place on any street or sidewalk of the City for any definite period, but such licensee must keep moving along the street from place to place, unless the license is accompanied by a Special Event Permit, Conditional Use Permit, or Encroachment Permit for a rolling store.

Section 3. SECTION 22-8.1 of the Alameda Municipal Code is hereby amended to read as follows:

#### 22-8.1 – Use of Street for Sale of Goods from Rolling Store.

It shall be unlawful for any person to use any of the public streets of the City for the purposes of vending goods, wares, food stuffs or any other class of merchandise from a rolling store or store on wheels, unless the activity has been approved by a Conditional Use Permit at the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, and the Marina Village and Harbor Bay Business Parks; or has been approved by a Special Event Permit or Encroachment Permit.

Section 4. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 5. Severability Clause: It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.